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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91209687
Party	Defendant ABC-Clio, LLC
Correspondence Address	KURT KOENIG KOENIG & ASSOCIATES PO BOX 1140 SUMMERLAND, CA 93067 UNITED STATES Kurt@incip.com
Submission	Answer
Filer's Name	Kurt Koenig
Filer's e-mail	Kurt@incip.com
Signature	/Kurt Koenig/
Date	05/05/2014
Attachments	Answer_CLIO.pdf(86419 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PROMETHEUS GLOBAL MEDIA, LLC,)	
)	
Opposer,)	Opposition No. 91209687
)	
v.)	Mark: ABC-CLIO & DESIGN
)	
ABC-CLIO, LLC,)	Published: September 11, 2012
)	
Applicant.)	
)	

ANSWER TO NOTICE OF OPPOSITION

ABC-CLIO, LLC (“Applicant”), by its attorneys, hereby answers the allegations set forth in the Notice of Opposition filed by Prometheus Global Media, LLC (“Opposer”) on March 11, 2013 as follows:

1. Applicant is without knowledge or information sufficient to form a belief or sufficient to truthfully admit or deny the allegations of Paragraph 1 and, therefore, Applicant denies any and all allegations therein.
2. Applicant is without knowledge or information sufficient to form a belief or sufficient to truthfully admit or deny the allegations of Paragraph 2 and, therefore, Applicant denies any and all allegations therein.
3. Applicant is without knowledge or information sufficient to form a belief or sufficient to truthfully admit or deny the allegations of Paragraph 3 and, therefore, Applicant denies any and all allegations therein, except that Applicant admits that Exhibit A appears to consist of printouts from a USPTO online database.

4. Applicant is without knowledge or information sufficient to form a belief or sufficient to truthfully admit or deny the allegations of Paragraph 4 and, therefore, Applicant denies any and all allegations therein.

5. Admitted, except that the address listed is not a business address.

6. Admitted.

7. Admitted, that the date of first use of the ABC-CLIO mark in the form set forth in the application is October 25, 2010.

8. Denied.

9. Denied.

10. Applicant repeats and incorporates by reference all prior responses and answers.

11. Denied.

12. Denied.

13. Denied.

14. Applicant repeats and incorporates by reference all prior responses and answers.

15. Denied.

16. Denied.

17. Denied.

18. Applicant is unable to understand the statement set forth in Paragraph 18 sufficient enough to form a belief or sufficient to truthfully admit or deny the allegations of Paragraph 18 and, therefore, Applicant denies any and all allegations therein.

19. Denied.

20. Denied.

21. Applicant repeats and incorporates by reference all prior responses and answers.

22. Applicant is without knowledge or information sufficient to form a belief or sufficient to truthfully admit or deny the allegations of Paragraph 22 and, therefore, Applicant denies any and all allegations therein.

23. Applicant is without knowledge or information sufficient to form a belief or sufficient to truthfully admit or deny the allegations of Paragraph 23 and, therefore, Applicant denies any and all allegations therein.

24. Denied.

25. Denied.

26. Denied.

AFFIRMATIVE DEFENSES

As and for separate affirmative defenses to Opposer's Notice of Opposition, Applicant states the following:

27. AS A FIRST AFFIRMATIVE DEFENSE, Opposer fails to state a claim upon which relief may be granted.

28. AS A SECOND AFFIRMATIVE DEFENSE, each of Opposer's claims is barred by the doctrine of laches.

29. AS A THIRD AFFIRMATIVE DEFENSE, each of Opposer's claims is barred by the doctrine of estoppel.

30. AS A FOURTH AFFIRMATIVE DEFENSE, each of Opposer's claims is barred by the doctrine of waiver.

31. AS A FIFTH AFFIRMATIVE DEFENSE, each of Opposer's claims is barred by the doctrine of acquiescence.

32. AS A SIXTH AFFIRMATIVE DEFENSE, Applicant has prior and superior rights in its mark.

33. AS A SEVENTH AFFIRMATIVE DEFENSE, Opposer lacks standing because Opposer does not own or have valid rights to U.S. Reg. No. 1134824.

34. AS AN EIGHTH AFFIRMATIVE DEFENSE, Opposer lacks standing because Opposer does not own or have valid rights to U.S. Reg. No. 2837926.

ABC-CLIO reserves the right to add additional affirmative defenses and/or counterclaims in the event discovery reveals other information that provides an additional basis for cancellation.

WHEREFORE, in view of the foregoing, Applicant contends this Opposition is groundless and baseless in fact; that Opposer has not shown it has any right to oppose the Mark owned by Applicant and Applicant prays that the Notice of Opposition be dismissed in its entirety.

Respectfully submitted,

Dated: May 5, 2014

By: _____

Kurt Koenig

KOENIG & ASSOCIATES
920 Garden Street, Suite A
Santa Barbara, CA 93101
Tel: 805-965-4400
Email: Kurt@incip.com
Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing “ANSWER TO NOTICE OF OPPOSITION” was served on **May 5, 2014** by first-class mail, postage prepaid, to Opposer’s counsel addressed as follows:

Gene S. Winter
Andy I. Corea
Tatyana Voloshchuk
St. Onge Steward Johnston & Reens LLC
986 Bedford Street
Stamford, CT 06905-5619


Kurt Koenig

Dated: May 5, 2014

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being transmitted by electronic mail to the United States Patent and Trademark Office via ESTTA on the date identified below.

Dated: May 5, 2014


Kurt Koenig
